



IPW

Attorney Docket No.: MED03-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Charles D. Lennox, Steven M. Johnson, Susan Beinor, Maria Benson, Don Paul Nogueira, John W. Carroll, and Helen Maslocka
Serial No.: 10/706,327
For: METHOD AND DEVICE FOR RAPIDLY INDUCING AND THEN MAINTAINING HYPOTHERMIA
Filing Date: November 12, 2003
Examiner: Unassigned
Art Unit: 3736

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: June 10, 2004

By: Farah Zafar

(Typed or printed name of person mailing Document, whose signature appears below)

Signature: _____

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- ☒ Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- ☒ Information Disclosure Statement, Total Pages: 3;
- ☒ PTO-1449 Form, Total Pages: 7;
- ☒ A Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98(a)(2)(i), Total Hard Copy(ies) Provided: 2;
- ☒ Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- ☒ Authorization to charge Deposit Account No. 50-0901, if required.

U.S. Application No.: 10/706,327

Attorney Docket No.: MED03-11

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Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

By: 

Jeffrey J. Duquette, Esq.
U.S.P.T.O. Registration No.: 45,487
Attorney for Applicant
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: MED03-11

Dated: June 10, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

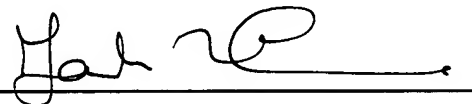
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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or (If IDS filed as first/second submission after Final Rejection);

☒ under 37 CFR 1.97(b), or (If IDS Filed within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last);

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- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or (If filed after the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a Petition under 37 CFR 1.97(d)(2), and
- ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i). (If IDS filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- ☐ Applicant requests that the attached IDS and cited reference(s) be placed in the application filewrapper. (If IDS filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is Form PTO-1449:

- ☒ Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98(a)(2)(i).
- ☐ Copy of cited references are enclosed except those entered in a prior application, having U.S. Serial No. _____, and references that are not required to be submitted under 37 CFR 1.98.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

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[X] Pursuant to the Official Gazette Notice of August 5, 2003 the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication is waived for all U.S. national patent applications filed after June 30, 2003.

Concise Explanation Requirement (required for non-English references):

- [X] The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
- [] the explanation provided on the attached sheet.
 - [] the explanation provided in the Specification.
 - [] submission of the enclosed International Search Report.
 - [X] the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- [X] No fee is required for this Information Disclosure Statement.
- [] Enclosed is a check for \$180.00, which covers the Information Disclosure Fee.
- [] A copy of this Statement is enclosed.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

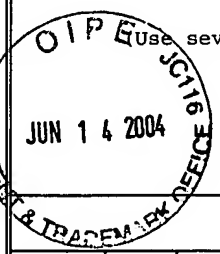
Respectfully submitted,

By: 

Jeffrey J. Duquette, Esq.
U.S.P.T.O. Registration No.: 45,487
Attorney for Applicant
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Westborough Office Park
1700 West Park Drive
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Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: MED03-11

Dated: June 10, 2004

PTO-1449 REPRODUCED				ATTORNEY DOCKET NO.		APPLICATION SERIAL NO.	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				MED03-11		10/706,327	
				APPLICANT			
				Charles D. Lennox, Steven M. Johnson, Susan Beinor, Maria Benson, Don Paul Nogueira, John W. Carroll, and Helen Maslocka			
				FILING DATE		GROUP	
				November 12, 2003		3736	
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	AA	2,512,990	06/27/50	J.D. Akerman	2	81	08/09/47
	AB	2,540,547	02/06/51	L.A. Rodert	2	81	03/24/47
	AC	2,706,988	04/26/55	H. Weber	128	402	09/15/52
	AD	3,449,761	06/17/69	R.W. Long	2	2.1	04/17/67
	AE	3,610,323	10/05/71	Dan E. Troyer	165	46	10/20/69
	AF	3,648,289	03/14/72	Moreland	2	2.1R	03/24/70
	AG	3,738,367	06/12/73	Hardy	128	379	02/11/71
	AH	3,839,621	10/01/74	Hariu	219	211	08/11/72
	AI	3,892,225	07/01/75	Twose	126	204	09/28/73
	AJ	3,905,367	09/16/75	Dapcich	128	254	05/10/74
	AK	3,908,655	09/30/75	Lund	128	256	09/07/73
	AL	4,108,146	08/22/78	Golden	128	400	05/16/77
	AM	4,114,620	09/19/78	Moore, et al.	128	254	03/02/77
	AN	4,139,004	02/13/79	Gonzalez, Jr.	128	82.1	02/17/77
	AO	4,149,541	04/17/79	Gammons, et al.	128	400	10/06/77
	AP	4,172,495	10/30/79	Zebuhr, et al.	165	46	08/03/77
	AQ	4,194,247	03/25/80	Melander	2	2	10/31/77
	AR	4,224,941	09/30/80	Stivala	128	207.26	11/15/78
	AS	4,237,877	12/09/80	Boehler	128	204.15	01/22/79
	AT	4,390,997	07/05/83	Hinz, et al.	2	81	01/16/81
	AU	4,398,535	08/16/83	Guibert	128	399	06/16/81
	AV	4,418,745	12/06/83	Roehr	165	46	04/08/81
	AW	4,425,916	01/17/84	Bowen	128	403	06/01/79
	AX	4,523,594	06/18/85	Kuznetz	128	402	02/12/82
	AY	4,566,455	01/28/86	Kramer	128	380	03/27/84
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U. S. PATENT DOCUMENTS									
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE		
	AZ	4,575,097	03/11/86	Brannigan, et al.	128	402	06/01/84		
	BA	4,738,119	04/19/88	Zafred	62	259.3	02/09/87		
	BB	4,747,408	05/31/88	Chuan-Chih	128	400	08/24/87		
	BC	4,753,242	06/28/88	Saggers	128	380	01/21/86		
	BD	4,781,193	11/01/88	Pagden	128	402	06/23/82		
	BE	4,844,072	07/04/89	French, et al.	128	400	12/27/85		
	BF	4,869,250	09/26/89	Bitterly	128	400	03/07/85		
	BG	4,886,063	12/12/89	Crews	128	403	06/29/88		
	BH	4,998,415	03/12/91	Larsen	62	231	10/30/89		
	BI	5,062,424	11/05/91	Hooker	128	379	01/24/91		
	BJ	5,097,829	03/24/92	Quisenberry	128	400	03/19/90		
	BK	5,167,227	12/01/92	Meserlian	128	64	08/15/91		
	BL	5,168,576	12/08/92	Krent, et al.	2	2	10/03/90		
	BM	5,174,285	12/29/92	Fontenot	128	400	01/08/90		
	BN	5,230,335	07/27/93	Johnson, Jr. et al.	128	400	07/29/91		
	BO	5,241,951	09/07/93	Mason, et al.	607	104	09/30/91		
	BP	5,269,369	12/14/93	Faghri	607	104	11/18/91		
	BQ	5,292,347	03/08/94	Pompei	607	104	09/25/91		
	BR	5,300,105	04/05/94	Owens	607	114	06/30/93		
	BS	5,314,455	05/24/94	Johnson, Jr. et al.	607	104	01/23/91		
	BT	5,330,519	07/19/94	Mason, et al.	607	104	07/30/93		
	BU	5,383,918	01/24/95	Panetta	607	104	08/31/92		
	BV	5,383,919	01/24/95	Kelly, et al.	607	104	05/18/93		
	BW	5,411,493	05/02/95	Rodriguez	604	290	09/27/93		
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	BX	5,417,720	05/23/95	Mason	607	104	09/02/94		
	BY	5,423,087	06/13/95	Krent, et al.	2	2	04/01/93		
	BZ	5,429,534	07/04/95	Cano	440	88	05/25/94		
	CA	5,438,707	08/08/95	Horn	2	69	11/03/94		
	CB	5,456,701	10/10/95	Stout	607	104	02/25/94		
	CC	5,470,353	11/28/95	Jensen	607	104	10/20/93		
	CD	5,486,206	01/23/96	Avery	607	104	07/12/94		
	CE	5,496,357	03/05/96	Jensen, et al.	607	108	02/18/94		
	CF	5,507,792	04/16/96	Mason, et al.	607	104	07/08/94		
	CG	5,533,354	07/09/96	Pirkle	62	259.3	09/20/94		
	CH	5,562,604	10/08/96	Yablon, et al.	601	148	03/06/95		
	CI	5,603,728	02/18/97	Pachys	607	110	06/20/94		
	CJ	5,609,619	03/11/97	Pompei	607	104	01/10/94		
	CK	5,634,890	06/03/97	Morris	601	166	05/09/95		
	CL	5,643,336	07/01/97	Lopez-Claros	607	104	01/09/95		
	CM	5,683,438	11/04/97	Grahn	607	104	03/10/95		
	CN	5,792,216	08/11/98	Kappel	607	107	02/19/97		
	CO	5,800,483	09/01/98	Vought	607	104	07/22/96		
	CP	5,913,885	06/22/99	Klatz, et al.	607	104	05/23/95		
	CQ	5,947,914	09/07/99	Augustine	602	2	12/29/97		
	CR	5,954,680	09/21/99	Augustine	602	42	01/21/97		
	CS	5,960,469	10/05/99	Nuckols, et al.	2	2.1	06/04/98		
	CT	5,964,721	10/12/99	Augustine	602	2	10/14/98		
	CU	5,964,723	10/12/99	Augustine	602	42	01/21/97		
	CV	5,986,163	11/16/99	Augustine	602	42	01/21/97		
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	CW	6,045,518	04/04/00	Augustine	602	2	03/18/99		
	CX	6,050,099	04/18/00	Lopa, et al.	62	259.3	09/21/98		
	CY	6,086,609	07/11/00	Buckley	607	104	12/08/97		
	CZ	6,113,561	09/05/00	Augustine	602	2	03/18/99		
	DA	6,113,626	09/05/00	Clifton, et al.	607	96	04/23/98		
	DB	6,117,164	09/12/00	Gildersleeve, et al.	607	108	06/06/97		
	DC	6,128,784	10/10/00	Frank	2	102	12/02/99		
	DD	6,149,674	11/21/00	Borders	607	96	11/06/98		
	DE	6,156,059	12/05/00	Olofsson	607	109	04/16/99		
	DF	US 6,178,562 BI	01/30/01	Elkins	2	458	01/28/00		
	DG	US 6,213,966 BI	04/10/01	Augustine	602	2	01/27/00		
	DH	US 6,217,535 BI	04/17/01	Augustine	602	2	01/27/00		
	DI	US 6,230,501 BI	05/15/01	Bailey, Sr. et al.	62	51.1	05/03/99		
	DJ	US 6,238,427 BI	05/29/01	Matta	607	104	03/30/99		
	DK	US 6,241,697 BI	06/05/01	Augustine	602	2	10/04/99		
	DL	US 6,241,698 BI	06/05/01	Augustine	602	2	01/27/00		
	DM	US 6,241,756 BI	06/05/01	Kappel	607	107	06/21/94		
	DN	US 6,245,094 BI	06/12/01	Pompei	607	104	06/18/99		
	DO	US 6,245,096 BI	06/12/01	Tomic-Edgar, et al.	607	107	08/30/99		
	DP	US 6,264,622 BI	07/24/01	Augustine	602	2	03/09/99		
	DQ	US 6,277,143 BI	08/21/01	Klatz, et al.	607	104	07/26/99		
	DR	US 6,312,453 BI	11/06/01	Stefanile, et al.	607	109	07/16/98		
	DS	US 6,371,976 BI	04/16/02	Vrzalik, et al.	607	104	05/22/98		
	DT	US 6,375,673 BI	05/23/02	Clifton, et al.	607	104	11/20/98		
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	DU	US 6,375,674 BI	05/23/02	Carson	607	104	01/03/00
	DV	US 6,406,448 BI	06/18/02	Augustine	602	2	12/26/00
	DW	US 6,407,307 BI	06/18/02	Augustine	602	42	01/29/01
	DX	US 6,419,651 BI	07/16/02	Augustine	602	2	01/29/01
	DY	US 6,419,691 BI	07/16/02	Hanner	607	108	03/23/00
	DZ	US 6,423,018 BI	07/23/02	Augustine	602	2	02/07/01
	EA	US 6,500,200 BI	12/31/02	Kushnir	607	104	08/14/00
	EB	US 6,551,347 BI	04/22/03	Elkins	607	104	02/24/93
	EC	US 6,581,400 B2	06/24/03	Augustine, et al.	62	259.3	09/30/02
	ED	US 6,605,051 B2	08/12/03	Augustine	602	2	05/31/02
	EE	US 2002/0103520 A1	08/01/02	Latham	607	108	02/21/02
	EF	US 2002/0161419 A1	10/31/02	Carson, et al.	607	104	04/30/01
	EG	998,804	07/25/11	O.B. Salisbury	-	-	08/22/1907
	EH	2,043,721	06/09/36	R.M. Warwick	34	26	08/13/34
	EI	2,224,876	12/17/40	J. Matys	34	26	04/29/37
	EJ	2,416,788	03/04/47	A.M. Andrews	34	99	07/23/43
	EK	2,566,600	09/04/51	A.B. Colon	128	65	11/16/49
	EL	Des. 347,491	05/31/94	Holloway	D28	20	04/18/91
	EM	3,587,577	06/28/71	Solyanka, et al.	128	254	03/09/70
	EN	4,074,369	02/21/78	Harmon	4	159	07/08/76
	EO	4,987,618	01/29/91	Tolbert	4	515	12/29/89
	EP	5,235,709	08/17/93	Terlep	4	515	06/20/91
	EQ	5,342,411	08/30/94	Maxted, et al.	607	107	02/02/93
	ER	US 6,276,155 B2	08/21/01	Siman-Tov, et al.	62	259.3	12/22/00
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.	ES	US 6,210,427 B1	04/03/01	Augustine, et al.	607	97	12/12/99			
	ET	5,871,526	02/16/99	Gibbs, et al.	607	104	06/14/96			
*	EU	6,109,338	08/29/00	Butzer	165	46	05/01/97			
	EV	US 6,197,045 B1	03/06/01	Carson	607	104	01/04/99			
	EW	5,496,357	03/05/96	Jensen, et al.	607	108	02/18/94			
	EX	US 6,352,550 B1	03/05/02	Gildersleeve, et al.	607	108	09/12/00			
	EY	US 6,238,427 B1	05/29/01	Matta	607	104	03/30/99			
	EZ	US 6,461,379 B1	10/08/02	Carson, et al.	607	104	04/30/01			
.	FA	26,663	01/03/1860	G.E.B. French	-	-	-			
.	FB	2,255,751	09/16/41	P.A. Bancel	128	144	12/16/39			
	FC	3,085,405	04/16/63	E.W. Frantti	62	3	04/06/61			
	FD	3,153,720	10/20/64	O.G. Petronio, et al.	219	211	09/11/61			
	FE	3,229,681	01/18/66	M.E. Gluckstein	126	204	08/25/61			
	FF	4,067,064	01/10/78	Cerniway, et al.	2	2.1 R	01/09/76			
	FG	4,167,932	09/18/79	Zebuhr	126	208	08/03/77			
	FH	4,286,439	09/01/81	Pasternack	62	259.3	11/20/79			
	FI	4,294,225	10/13/81	Mayo	126	204	05/22/79			
	FJ	4,353,359	10/12/82	Milbauer	128	66	07/16/79			
	FK	5,100,261	03/31/92	Plemon	405	186	10/15/90			
	FL	5,383,918	01/24/95	Panetta	607	104	08/31/92			
	FM	5,976,176	11/02/99	Webb, II	607	104	10/31/97			
	FN	3,477,424	11/11/69	T.H. Tracy	128	66	10/31/67			
	FO	3,786,809	01/22/74	Kitrilakis	128	191	09/07/72			
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				APPLICANT Charles D. Lennox, Steven M. Johnson, Susan Beinor, Maria Benson, Don Paul Nogueira, John W. Carroll, and Helen Maslocka			
				FILING DATE November 12, 2003		GROUP 3736	
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	FQ	2,272,481	02/10/42	E.B. Rinkes, et al.	128	66	10/10/38
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